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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/607,622

06/27/2003

Rajasekhar Venkat Meda

Meda 2

8034

7590

06/03/2005

GREENBERG TRAURIG, LLP

885 Third Avenue

New York, NY 10022

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/607,622

Applicant(s)

MEDA, RAJASEKHAR VENKAT

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Balachandran (US Patent Number 6,006,085).

Regarding claims 1, 8, 9,14, Balachandran teaches a method of communicating in a wireless communication system having a plurality of mobiles (col 3 lines 34-56), the method comprising the step of:

designating marketing and/or advertisement information based on information stored in a database (col 4 lines 21-40, lines 53-67); and transmitting the marketing and/or advertising information (col 3 lines 57-67, col 4 lines 1-21).

Regarding claim 2, Balachandran teaches a method of claim 1 where the step of transmitting marketing and/or advertising information comprises:

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determining whether a received identification number is stored in a VLR (col 4 lines 52-67); and

designating a mobile based on a history of the mobile's identification number stored in a VLR database (col 5 lines 54-67, col 6 lines 1-12).

Regarding claims 3, 10, Balachanran teaches a method where the system designates marketing and/or advertising information for a mobile based on the mobile's current location (col 4 lines 21-40).

Regarding claim 4, Balachanran teaches a method of claim 1 where the marketing and/or advertising information is transmitted over a signaling channel of the communication system (col 4 lines 21-40).

Regarding claims 5, 11 Balachanran teaches a method where the marketing and/or advertisement information is arranged in a format and transmitted as per a protocol being followed by the communication system (col 4 lines 40-67 col 5 lines 1-15).

Regarding claims 6, 12, Balachanran teaches a method where the transmission of the marketing and/or advertising information is postponed until a mobile whose identification number located in an HLR of VLR was use to designate the marketing and/or advertising information is in idle mode (col 4 lines 40-64).

Regarding claims 7, 13, Balachanran teaches a method where the transmitted marketing and/or advertisement information is based on information stored in a VLR and one or more databases in communication with the system (col 4 lines 52-67, col 5 lines 1-15).

### **Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Bhaumick** (US Publication 2004/0248546 A1) disclose method and system for location update in mobile radio networks

**Messenger** (US Publication 2003/0156687 A1) disclose data transmission method in particular advertising information on a user terminal

**Allison et al.** (US Patent 6,819,932 B2) disclose method and system for Preventing delivery of unwanted short message service messages

4. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913.

The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

May 31, 2005



**MELODY MEHROUR  
PATENT EXAMINER**